

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

MARTIN J. WALSH,)
Secretary of Labor,)
United States Department)
of Labor,)
Plaintiff,)
vs.) No. 2021 CV 56
DAYEMI ORGANIZATION,)
INC., d/b/a LONGBRANCH)
CAFE AND BAKERY, an)
Illinois Corporation,)
and ELAINE RAMSEYER)
GREENBERG, an)
individual,)
Defendants.)

The discovery deposition of
ELAINE RAMSEYER GREENBERG, taken in the
above-entitled cause, before Trisha A. Rankin, a
Certified Shorthand Reporter in the State of
Illinois, on September 30th, 2021, at the hour
of 9:00 a.m., via videoconference, pursuant to
notice.

Reported by: Trisha A. Rankin, CSR
CSR License No.: 084.004833



1 APPEARANCES:

2 OFFICE OF THE SOLICITOR
3 US DEPARTMENT OF LABOR, by
4 MS. ELISABETH SIMCOX NOLTE,
5 230 South Dearborn Street
6 Room 844
7 Chicago, Illinois 60604
8 (312) 353-7837
9 nolte.elisabeth.p@dol.gov

10 Representing the Plaintiff;

11
12 RHODE LAW FIRM, by
13 MS. SHARI R. RHODE,
14 1405 West Main Street
15 Carbondale, Illinois 62901
16 (618) 549-4287
17 shari@rhodelawfirm.com

18 Representing the Defendants.
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I N D E X

WITNESS EXAMINATION

ELAINE RAMSEYER GREENBERG

By Ms. Nolte 4

By Ms. Rhode 135

E X H I B I T S

NUMBER IDENTIFICATION

ELAINE RAMSEYER GREENBERG Deposition

Exhibit 1 7

Exhibit 2 7

Exhibit 3 26

Exhibit 4 29

Exhibit 5 82

Exhibit 6 111

Exhibit 7 115

Exhibit 8 123



1 THE REPORTER: Parties are present via
2 videoconference to take the discovery deposition
3 of Elaine Ramseyer. The deposition is being
4 taken by means of videoconferencing and the oath
5 will be administered remotely by the court
6 reporter pursuant to Governor Pritzker's
7 executive order 2020-14.

8 will all parties present please state
9 your name and agreement with the procedure?

10 MS. NOLTE: Good morning. This is
11 Elisabeth Nolte for the Secretary of Labor. And
12 I am in agreement with the procedure.

13 MS. RHODE: And I'm Shari Rhode. I'm here
14 for the defendants. And I agree to the
15 procedures.

16 THE WITNESS: And I'm Elaine Ramseyer
17 Greenberg. I'm the defendant.

18 ELAINE RAMSEYER GREENBERG,
19 having been first duly sworn, was examined and
20 testified as follows:

21 EXAMINATION

22 BY MS. NOLTE:

23 Q. Good morning, again. My name is
24 Elisabeth Nolte. I'm an attorney for the



1 A. I do.

2 Q. Thank you. So we talked about the
3 staff meetings and that there was times during
4 staff meetings in which, or front of the house
5 meetings, in which the tip pool was discussed.
6 Can you estimate about how frequently the tip
7 pool was discussed during the staff meetings?

8 A. I would think every couple of years.
9 It was not a hot topic.

10 Q. Thank you. Was there any records of
11 when staff meetings occurred?

12 A. No.

13 Q. Is there any records relating to staff
14 meetings at all?

15 A. I could perhaps go back to my computer
16 and find notes, you know, that I had prepped for
17 staff meetings. But nothing -- nothing formal,
18 no.

19 Q. Okay. Aside from the tip pool policy
20 of practice, did servers and/or baristas have
21 the authority to change any other policy or
22 practice at the Cafe?

23 A. Not the authority, but they -- I
24 certainly welcomed feedback and input. And



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GREENBERG, an)
individual,)
Defendants.)

I, ELAINE RAMSEYER GREENBERG, being
first duly sworn, on oath say that I am the
deponent in the aforesaid deposition taken on
the 30th day of September, 2021; that I have
read the foregoing transcript of my deposition,
and affix my signature to same.

ELAINE RAMSEYER GREENBERG

Subscribed and sworn to
Before me this_____ day
of_____, 2021.

Notary Public



1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF C O O K)
4

5 I, Trisha A. Rankin, Certified Shorthand
6 Reporter for the State of Illinois, do hereby
7 certify that heretofore, to-wit,
8 ELAINE RAMSEYER GREENBERG, personally appeared
9 before me via videoconference, in a cause now
10 pending and undetermined in the United States
11 District Court, Southern District of Illinois,
12 wherein MARTIN J. WALSH, et al., is the
13 Plaintiff and DAYEMI ORGANIZATION, INC., et al.,
14 are the Defendants.

15 I further certify that the said
16 ELAINE RAMSEYER GREENBERG, was first duly sworn
17 to testify the truth, the whole truth and
18 nothing but the truth in the cause aforesaid;
19 that the testimony then given by said witness
20 was reported stenographically by me in the
21 presence of the said witness, and afterwards
22 reduced to typewriting by Computer-Aided
23 Transcription, and the foregoing is a true and
24 correct transcript of the testimony so given by



1 said witness as aforesaid.

2 I further certify that the signature to
3 the foregoing deposition was reserved by counsel
4 for the respective parties.

5 I further certify that the taking of this
6 deposition was pursuant to notice and that there
7 were present at the deposition the attorneys
8 hereinbefore mentioned.

9 I further certify that I am not counsel
10 for, nor in any way related to the parties to
11 this suit, nor am I in any way interested in the
12 outcome thereof.

13 IN TESTIMONY WHEREOF: I have hereunto
14 set my verified digital signature, this 22nd day
15 of october 2021.

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19
20 TRISHA RANKIN
21 CSR LIC. NO. 084.004833
22
23
24



McCorkle Litigation Services, Inc.
200 North LaSalle Street, Suite 770
Chicago, Illinois 60601-1014

CERTIFIED MAIL

October 22nd, 2021

Ms. Elaine Ramseyer Greenberg
100 East Jackson Street
Carbondale, Illinois 62901

IN RE: MARTIN J. WALSH vs. DAYEMI
ORGANIZATION, INC.
DATE OF DEPOSITION: September 30th, 2021

Dear Ms. Ramseyer Greenberg:

Your deposition taken in the above-entitled
cause is now ready for reading and signing as
required by law.

Please call the Signature Department upon
receipt of this letter to schedule an
appointment to come to the above address to read
and sign your deposition. You have 28 days from
the date of this correspondence in which to
appear for reading and signing.

If you fail to appear or to notify us so that we
may make arrangements for another appointment,
your deposition will be completed and forwarded
to the attorneys and will be "... used as fully
as though signed."

_____ Procedure outlined in Rule 207 (a) of
the Illinois Supreme Court Rules

_____ Procedure outlined in Rule 30 (e) of
the Rules of Civil Procedure for the
U.S. District Courts

Sincerely,
Cindy Alicea
Signature Department
(312) 263-0052

Court Reporter Present:
Trisha Rankin

